REMARKS

Claims 1-10 are pending in this application.

Claims 1, 3, 9 and 10, the specification and the Abstract have been amended to correct errors and/or to more clearly define the present invention.

I. Claim Rejection - 35 U.S.C. 112, second paragraph

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. The examiner stated that "in the formula in claim 1 for the "X" definition note the missing bond."

Claim 1 has been amended to more clearly define "X."

2. The examiner stated that "in the R_2 definition mention of ortho, meta and para positions for just halo groups renders remaining choices unclear as to where they can be located on the benzene ring given that R_2 is depicted as floating."

With respect to "(o,m,p)," the examiner's interpretation is improper. By the formula (I), it means that R_2 can be in any position-ortho, meta, or para- relative to the nitrogen bonding position. This interpretation is in accordance with the ordinary meaning in the art. That is, the structure shown by claim 1 indicates that R_2 can be located in any position-ortho, meta, or para- relative to the nitrogen bonding position. To avoid any confusion, "(o,m,p)" has been deleted.

3. The examiner stated that "composition claims 4-8 are substantial duplicates of one another. Note that different intended uses in such claims are given no material weight. See In re Tuominen 213 USPQ 89 and MPEP 2111.02."

The claims 4-8 are directed to a pharmaceutical composition, and claims 1-3 are directed to a compound itself. Please note that the claims 4-8 are not in the form of "a compound for a pharmaceutical composition." The claims 4-8 do not merely recite the intended use, but has a different preamble. It should be note that "pharmaceutical composition" and "compound" itself cannot be regarded as the same preamble. Particularly, the terms "composition" and "compound" are not the same. Even if the scopes of claims 1-3 and claims 4-8 may be obvious, the scopes of claims 1-3 and claims 4-8 are not the same. Also, even if the scopes of claims 4-8 are within the scopes of claims 1-3, the scopes of claims 1-3 and claims 4-8 are not the same. The applicant may present claims varying the scope even if some claims are within the scopes of other claims.

4. The examiner stated that "claim 9 and claims dependent thereon is unclear for more than one reason. The first reactant recited, namely 4-epoxyisoeugenol, is not precisely named since the epoxy ring can be alpha or beta to the phenyl ring and only one of these would be able to introduce the piperazine at the terminal end of the chain. Second, piperazine *per se* as the 2nd reactant makes no sense since piperazine in claim 1 is R2-phenylsubstituted. Thus additional step(s) are needed to introduce this portion of the compound to the piperazine ring. Finally not any of the compounds of Formula 1 can be made by the limited steps shown since isoeugenol expoxide consists of a 3 carbon chain yet X is far broader in claim 9 and includes R3 as H as well

as OH. The epoxide at best would make X chains where n=0 and R3=OH. This discrepancy aside isoeugenol moiety contains a hydroxyl at the 4-position while applicants' compounds are alkoxy or alkenyloxy at this location.

First, the term "4-epoxy isoeugenol" has been changed to "4-oxy-methyloxirane-3-methoxy-1-propylenyl benzene or a derivative thereof" to clearly define the present invention.

Second, the term "piperazine" has been changed to "phenyl piperazine".

Third, Formula 1 has been corrected in accordance with the compounds of Examples 1, 2 and/or 3 in the specification.

5. The examiner stated that ""preparing step" in claim 10 is grammatically awkward. It would read better to say: "The method of claim 9 wherein 4-epoxy....is prepared.... or similar language."

Claim 10 has been amended as suggested by the examiner.

6. The examiner stated that "claim 9-10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

The examiner's objection is not proper because claim 9 is an independent claim, which does not depend from any claim.

II. Claim Rejection - 35 U.S.C. 112, first paragraph

The examiner stated that:

"Claims 9-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The process of claim 9 is not enabled for making instant compounds. As discussed in the above 112 rejection, the reactants recited do not make instant compounds where OR1 can be alkoxy, alkenyloxy,etc. Additionally, the examples in the specification which are made by the instant process do **not** correspond to any compound within claim 1. See examples 1-3 which consistently show a **oxy group** as part of the "X" link. There is however no "oxy" present in the claims scope. Also "propylenyl" in the title name is not proper nomenclature-propyl or propenyl are art-recognized terms and again its not clear how either are produced employing isoeugenol which has a hydroxy at the 4-position and a methoxy at the 3-position."

Formula 1 has been corrected in accordance with the compounds of Examples 1, 2 and/or 3. The term "propylenyl" has been corrected to "propenyl".

Withdrawal of the rejection is respectfully requested.

III. Claim Rejection - 35 U.S.C. 102

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Boissier (GB'493).

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Gupta.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union*

Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The compound claimed in claim 1 as amended is different from the compounds disclosed in GB '493 and Gupta.

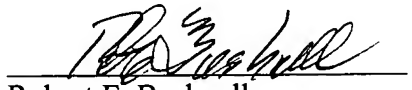
Since the identical invention is not shown, claims 1-8 are anticipated by neither Gupta nor Boissier.

Withdrawal of the rejection is respectfully requested.

In view of the above, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections and objections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

A fee of $55.00 is incurred by the submission of one month extension of time for a SMALL ENTITY. Should the other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



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